

REMARKS/ARGUMENTS

Applicant respectfully requests the consideration of the following remarks and the reconsideration of the present application.

Applicant respectfully requests the consideration of the IDS (Information Disclosure Statement) filed on December 21, 2004, which was filed before the mailing of the first Office Action on the merits (December 22, 2004).

The amended listing of claims and the following arguments are presented generally to impart precision to the claims, by particularly pointing out and distinctly claiming the subject matter. The pending claims are supported by the specification. No new matter is added.

Applicant respectfully submits that the currently pending claims are patentable over the cited references.

The Office Action asserted that claims 9, 21, 33 and 45 are not supported by the specification. Applicant respectfully disagrees. Claims 9, 21, 33 and 45 were originally filed with the application as part of the specification. Claims 9, 21, 33 and 45 are supported at least by the presence of claims 9, 21, 33 and 45 in the original application.

Claims 1-8, 10-20, 22-32, 34-44, and 46-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,654,787 (hereinafter "Aronson") in view of "A Novel Word Clustering Algorithm Based on Latent Semantic Analysis" (hereinafter "Bellgarda"). Claims 9, 21, 33 and 45 were rejected under 5 U.S.C. §103(a) as being unpatentable over Aronson in view of Bellgarda and further in view of "Official Notice". Applicant respectfully disagrees.

Applicant respectfully submits that pending claims are patentable over the cited references at least for the reasons discussed below.

The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness under 35 U.S.C. 103. A prima facie case of obviousness is

established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. It is *impermissible* to simply make *a hindsight reconstruction* of the claimed invention using the claim as a template and filling the gaps using the elements from the references.

“The tendency to resort to hindsight upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” (MPEP 2142).

MPEP (2141) shows that “When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined.”

Further, MPEP (2142, 2143) shows that “To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.”

A broad conclusory statement regarding the obviousness of modifying a reference, standing alone, is not “evidence”. *It is impermissible to simply make a hindsight*

reconstruction of the claimed invention using the claim as a template and filling the gaps using the elements from the references.

The Office Action rejected independent claims 1, 13, 25 and 37 under 35 U.S.C. §103(a) as being unpatentable over Aronson in view of Bellgarda. Applicant respectfully disagrees.

Since Aronson and Bellgarda deal with different subjects, Applicant respectfully submits that, without the claim and description of the present application as a template, an ordinary person skilled in the art of message filtering would not have considered Bellgarda.

Further, Bellgarda was published in 1996; and Aronson was filed on December 31, 1998. The absence of a reference making a relevant suggestion of combination before the filing of the present application (June 14, 2001) is a clear indication of non-obviousness.

Further, the combination suggested in the Office Action does not appear coming naturally out of the description of Aronson and Bellgarda. Rather, it appears to be an erroneous hindsight reconstruction of the claimed invention, using the claim as a template and filling the gaps using the elements from the references. A detailed analysis is provided below.

For example, the Office Action considered various types of filters of Aronson as corresponding to “the first group and the second group anchors”. However, Applicant respectfully submits that an ordinary person skilled in the art would not consider a “filter” as a “group anchor”. Such a consideration may appear reasonable only when performing a hindsight reconstruction in an attempt to cleverly leave a small gap of “semantic” so that the elements of Bellgarda can be used to conveniently fill in the gaps between the claim as a template and Aronson.

Even if a “filter” could be considered as a “group anchor”, it would not be clear what operation in Aronson (Col. 5, lines 50-67) corresponds to “determining a first anchor

corresponding to a first group of messages”. A proper feature of Aronson should correspond to “determining a first filter corresponding to a first group of messages”. In the context of Aronson, it is not clear what feature of Aronson would have the meaning of “determining a first filter ...”.

The Office Action simply suggested that the teaching of Bellgarda would allow “semantic and determining a vector corresponding to an incoming message”. However, the Office Action failed to show how a combined system may work, since from the description of Aronson and Bellgarda it is not clear how a “filter” of Aronson might be modified to become a “semantic anchor” of Bellgarda and how “determining a first filter” might be modified as “determining a first semantic anchor corresponding to a first group of messages”.

Thus, although the Office Action cleverly used the elements of Bellgarda to apparently fill in the gaps between the claim as a template and Aronson, there is no evidence that any system corresponding to the claim might come naturally out of the description of Aronson and Bellgarda, without using the claim and description of the present application as a template.

Furthermore, the Office Action asserted that Bellgarda (Col. 6, lines 44-67; Col. 7, lines 1-6, wherein the weighted values are the values after the filtering process by the two perspective stages in parallel) anticipates the limitation of:

“comparing the message corresponding to the incoming message with at least one of the first anchor and the second anchor to obtain a first comparison value and a second comparison value”

Since “the first anchor” is considered as a “first filter” of Bellgarda and “the second anchor” as a “second filter” of Bellgarda, it would not be logical to *compare* “the message corresponding to the incoming message” with “at least one of the first filter and the second filter”. It is not logical to compare “message” with “filter”.

Furthermore, the recited claim limitation is “comparing the vector corresponding to the incoming message with at least one of the first semantic anchor and the second semantic anchor ...”. The Office Action did not show why the feature of “comparing the message ...” is modified to become “comparing the vector ...”, except there is an apparent drive to the reconstruction of the claimed invention using the claim as a template and filling the gaps using the elements from the references.

Further, the pending claims recite limitations that are neither in Aronson nor in Bellgarda. For example, claim 1 recites:

1. (Currently Amended) A method for filtering messages comprising:
determining a first semantic anchor corresponding to a first group of
messages and a second semantic anchor corresponding to a
second group of messages;
determining a vector corresponding to an incoming message;
comparing the vector corresponding to the incoming message with at
least one of the first semantic anchor and the second semantic
anchor to obtain a first comparison value and a second
comparison value; and
filtering the incoming message through classifying the incoming
message between the first and second groups based on the first
comparison value and the second comparison value.

The rejections for the dependent claims depend on the rejections for the independent claims 1, 13, 25 and 37 discussed above; and therefore at least for the above discussed reasons, the pending claims are patentable over the cited references.

Further, for example, new claims 49 and 50 recite additional limitations that are neither in Aronson nor in Bellgarda.

49. (New) A method as in claim 3, wherein the second semantic anchor corresponds to a centroid of the previously received unsolicited messages of a training message corpus in the semantic vector space; and the first semantic anchor corresponds to a centroid of the previously received messages defined not to be unsolicited messages of the training message corpus in the semantic vector space.
50. (New) A method as in claim 1, wherein each of the first and second semantic anchors representing a vector in a semantic vector space; and the vector corresponding to the incoming message is determined in the semantic vector space.

Thus, Applicant respectfully submits that the pending claims are patentable over the cited references.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, Applicant hereby requests such extension.

Respectfully submitted,

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